

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 2:04-cr-0069 MCE

Plaintiff,

v.

ORDER

JEFFREY WELLS, LARRY J. WELLS,
HENRY M. KAISER,

Defendants.

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SureWest's and Ernst & Young's Motions to Quash Defendants' Subpoenas Duces Tecum were referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302 (b)(1).

On October 17, 2005, the Magistrate Judge filed Findings and Recommendations herein which were served on all parties and which contained notice to all parties that any Objections to the Findings and Recommendations were to be filed within fifteen days. All parties filed objections.

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1 The Court has reviewed the file and finds the Findings and
2 Recommendations to be supported by the record and by the
3 Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED
4 that:

5 1. The Findings and Recommendations of October 17, 2005 are
6 adopted in full;

7 2. SureWest's Motion to Quash be granted in part and denied
8 in part and that the documents bearing Bates-stamped page numbers
9 SWC-CR 0001-0014 and 0147-0161 be released to counsel for Jeffrey
10 and Larry Wells within 30 days of the District Court's adoption
11 of these Findings and Recommendations, subject to the Wellses'
12 tendering fees and costs as required by Federal Rule of Criminal
13 Procedure 17(d); and

14 3. Ernst & Young's Motion to Modify and Quash the Subpoena
15 be granted in part and denied in part and that the documents
16 bearing Bates-stamped page numbers E&Y000023-000029, 000255-
17 000264, 000309-000330 and 00357-000358 be released to counsel for
18 Jeffrey and Larry Wells, also within 30 days of the District
19 Court's adoption of these Findings and Recommendations.

20 DATED: December 19, 2005

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23 MORRISON C. ENGLAND, JR.
24 UNITED STATES DISTRICT JUDGE
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